

**SB0056**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0056**

Introduced 1/31/2007, by Sen. Terry Link

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/4-213	from Ch. 95 1/2, par. 4-213
625 ILCS 5/11-402	from Ch. 95 1/2, par. 11-402
625 ILCS 5/11-404	from Ch. 95 1/2, par. 11-404

Amends the Illinois Vehicle Code. Provides that, if a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes. Provides that, if any peace officer or highway authority official finds a vehicle standing upon a highway in violation of a parking restriction or a disabled vehicle blocking a roadway, he or she may move the vehicle, require its operator to move the vehicle, or provide for its removal by a third party. Provides that the vehicle may be moved to the shoulder of the road, to a position where parking is permitted, or to public parking or storage premises. Provides that a towing service is not liable for any loss or damages to real or personal property that occurs as a result of the removal or towing of the vehicle.

LRB095 04316 DRH 24357 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 4-213, 11-402, and 11-404 as follows:

6 (625 ILCS 5/4-213) (from Ch. 95 1/2, par. 4-213)

7 Sec. 4-213. Liability of law enforcement officers,  
8 agencies, and towing services.

9 (a) A law enforcement officer or agency, a department of  
10 municipal government designated under Section 4-212.1 or its  
11 officers or employees, or a towing service owner, operator, or  
12 employee shall not be held to answer or be liable for damages  
13 in any action brought by the registered owner, former  
14 registered owner, or his legal representative, lienholder or  
15 any other person legally entitled to the possession of a  
16 vehicle when the vehicle was processed and sold or disposed of  
17 as provided by this Chapter.

18 (b) A towing service, and any of its officers or employees,  
19 that removes or tows a vehicle as a result of being directed to  
20 do so by a law enforcement officer or agency or a department of  
21 municipal government or its officers or employees shall not be  
22 held to answer or be liable for ~~injury to,~~ loss of ~~7~~ or damages  
23 to any real or personal property that occurs in the course of

1 the removal or towing of a vehicle or its contents (i) on a  
2 limited access highway in a designated Incident Management  
3 Program that uses fast lane clearance techniques as defined by  
4 the Department of Transportation or (ii) at the direction of a  
5 peace officer, a highway authority official, or a  
6 representative of local authorities, under Section 11-402 or  
7 11-404 of this Code.

8 (Source: P.A. 89-433, eff. 12-15-95.)

9 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

10 Sec. 11-402. Motor vehicle accident involving damage to  
11 vehicle.

12 (a) The driver of any vehicle involved in a motor vehicle  
13 accident resulting only in damage to a vehicle which is driven  
14 or attended by any person shall immediately stop such vehicle  
15 at the scene of such motor vehicle accident or as close thereto  
16 as possible, but shall forthwith return to and in every event  
17 shall remain at the scene of such motor vehicle accident until  
18 the requirements of Section 11-403 have been fulfilled. Every  
19 such stop shall be made without obstructing traffic more than  
20 is necessary. If a damaged vehicle is obstructing traffic  
21 lanes, the driver of the vehicle must make every reasonable  
22 effort to move the vehicle or have it moved so as not to block  
23 the traffic lanes.

24 Any person failing to comply with this Section shall be  
25 guilty of a Class A misdemeanor.

1 (b) Upon conviction of a violation of this Section, the  
2 court shall make a finding as to whether the damage to a  
3 vehicle is in excess of \$1,000, and in such case a statement of  
4 this finding shall be reported to the Secretary of State with  
5 the report of conviction as required by Section 6-204 of this  
6 Code. Upon receipt of such report of conviction and statement  
7 of finding that the damage to a vehicle is in excess of \$1,000,  
8 the Secretary of State shall suspend the driver's license or  
9 any nonresident's driving privilege.

10 (c) If any peace officer or highway authority official  
11 finds (i) a vehicle standing upon a highway or toll highway in  
12 violation of a prohibition, limitation, or restriction on  
13 stopping, standing, or parking imposed under this Code or (ii)  
14 a disabled vehicle that obstructs the roadway of a highway or  
15 toll highway, the peace officer or highway authority official  
16 is authorized to move the vehicle or to require the operator of  
17 the vehicle to move the vehicle to the shoulder of the road, to  
18 a position where parking is permitted, or to public parking or  
19 storage premises. The removal may be performed by, or under the  
20 direction of, the peace officer or highway authority official  
21 or may be contracted for by local authorities. After the  
22 vehicle has been removed, the peace officer or highway  
23 authority official shall follow appropriate procedures, as  
24 provided in Section 4-203 of this Code.

25 (d) A towing service, its officers, and its employees are  
26 not liable for loss of or damages to any real or personal

1 property that occurs as the result of the removal or towing of  
2 any vehicle under subsection (c), as provided in subsection (b)  
3 of Section 4-213.

4 (Source: P.A. 83-831.)

5 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

6 Sec. 11-404. Duty upon damaging unattended vehicle or other  
7 property.

8 (a) The driver of any vehicle which collides with or is  
9 involved in a motor vehicle accident with any vehicle which is  
10 unattended, or other property, resulting in any damage to such  
11 other vehicle or property shall immediately stop and shall then  
12 and there either locate and notify the operator or owner of  
13 such vehicle or other property of the driver's name, address,  
14 registration number and owner of the vehicle the driver was  
15 operating or shall attach securely in a conspicuous place on or  
16 in the vehicle or other property struck a written notice giving  
17 the driver's name, address, registration number and owner of  
18 the vehicle the driver was driving and shall without  
19 unnecessary delay notify the nearest office of a duly  
20 authorized police authority and shall make a written report of  
21 such accident when and as required in Section 11-406. Every  
22 such stop shall be made without obstructing traffic more than  
23 is necessary. If a damaged vehicle is obstructing traffic  
24 lanes, the driver of the vehicle must make every reasonable  
25 effort to move the vehicle or have it moved so as not to block

1 the traffic lanes.

2 (b) Any person failing to comply with this Section shall be  
3 guilty of a Class A misdemeanor.

4 (c) If any peace officer or highway authority official  
5 finds (i) a vehicle standing upon a highway or toll highway in  
6 violation of a prohibition, limitation, or restriction on  
7 stopping, standing, or parking imposed under this Code or (ii)  
8 a disabled vehicle that obstructs the roadway of a highway or  
9 toll highway, the peace officer or highway authority official  
10 is authorized to move the vehicle or to require the operator of  
11 the vehicle to move the vehicle to the shoulder of the road, to  
12 a position where parking is permitted, or to public parking or  
13 storage premises. The removal may be performed by, or under the  
14 direction of, the peace officer or highway authority official  
15 or may be contracted for by local authorities. After the  
16 vehicle has been removed, the peace officer or highway  
17 authority official shall follow appropriate procedures, as  
18 provided in Section 4-203 of this Code.

19 (d) A towing service, its officers, and its employees are  
20 not liable for loss of or damages to any real or personal  
21 property that occurs as the result of the removal or towing of  
22 any vehicle under subsection (c), as provided in subsection (b)  
23 of Section 4-213.

24 (Source: P.A. 83-831.)